THE HONOURABLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.1211 OF 2005

Dated: 20.10.2005

Between:

Mr. Chekuri Hanumantha Rao, S/o.Venkata Subbaiah, Occ: Business, R/o. Shakapuram, Nidamanur Mandal, Nalgonda District and another.

…PETITIONERS

AND

The Government of Andhra Pradesh, Rep. by the Chief Secretary, State Secretariat Buildings, Hyderabad and others.

…RESPONDENTS

ORDER:

This writ petition is filed by the petitioners seeking a declaration that G.O.Ms.No.745 dated 23.12.2004 directing the conversion of the
Non-Banking Sub-treasury at Nidamanur village and mandal into Banking Sub-treasury with effect from 01.02.2005 as arbitrary and illegal.

The petitioners also sought for stay of operation of impugned G.O.Ms.No.745 pending the writ petition. Though Rule Nisi was ordered on 07.02.2005 no interim orders were granted.

In response to Rule Nisi the Assistant Director, Directorate of Treasuries and Accounts, Andhra Pradesh filed a counter affidavit stating as under:

> "It is respectfully submitted that the M.P.P. Sarpanch and Chairman sectoral reform, Nidamanur in the representation dated 04.02.2005, requested the Government that the Nagarjuna Sagar is far away place i.e., about 30 to 40 Kms from Nidamanur and there is no justification in converting the Nidamanur Non Banking Sub Treasury into Banking Sub Treasury at SBH Nagarjuna Sagar. As such the Government vide Lr.no.2035/674/TFRI/03 dated 06.02.2005 requested the AGM Central Bank of India, Zonal Office, Hyderabad to communicate their willingness to take over the Government transactions of Sub treasury Nidamanur from a further date so as to issue necessary orders duly obtaining the permission of the Reserve Bank of India and canceling the order issued in G.O.Ms.No.745 dated 23.12.2004. The Government further requested the CGM, State Bank of Hyderabad vide Lr.No.2035/674/TFRI/03 dated 06.02.2005 to explore the possibility of opening a branch of State Bank of Hyderabad at Nidamanur. The Government further addressed the AGM Reserve Bank of India vide Lr.No. 2035/674/TFRI/03 dated 06.02.2005 requesting to accord permission to Central Bank of India to take over the Government transactions of Sub treasury Nidamanur from a further date or to open a branch of SBH at Nidamanur. The permission of the RBI in this regard is awaited. Necessary orders will be issued on receipt of the permission from the RBI and willingness of the Central Bank of India, duly canceling the orders issued in G.O.Ms.No.745 dated 23.12.2004."

In view of what has been stated in the counter affidavit it is clear that it is already contemplated by the Government to cancel the orders issued in the impugned G.O.Ms.No.745 dated 23.12.2004.

In the circumstances, no adjudication is necessary on merits in this writ petition.

Accordingly, the writ petition is disposed of. However, the petitioners are granted liberty to institute fresh proceedings in case necessity thereof arises. There shall be no order as to costs.

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G. ROHINI, J

October 20, 2005

DSK